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09/895,622	06/29/2001	Tomoya Kanayama	96790p369	6853

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EXAMINER

HINZE, LEO T

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,622

Applicant(s)

KANAYAMA, TOMOYA

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Flinker, US 1,953,105.

Regarding claim 1, Flinker teaches an ink fountain apparatus for a rotary printing press, comprising: a rotatably supported ink fountain roller (2); an ink fountain comprised of a bottom plate (3) with one end supported close to said ink fountain roller and a pair of ink dams (1) standing upright from said bottom plate to correspond to two ends of said ink fountain roller and arranged to oppose in an axial direction of said ink fountain roller; at least one intermediate ink dam standing upright between said ink dams from said bottom plate, said intermediate ink dam including a first member (11) in contact opposite to an outer surface of said ink fountain roller and said bottom plate, a second member (17) in contact opposite to said first member, and a third member (19) in contact opposite to said second member; press means (26) for pressing said first member through said third and second members toward the outer surface of said ink fountain roller and toward said bottom plate; and an adjustment tool (24, 25) for adjusting a tight contact

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state of said first member with respect to at least one of the outer surface of said ink fountain roller and said bottom plate.

Regarding claim 2, Flinker also teaches an ink fountain apparatus for a rotary printing press, wherein said first member (11) is made of a wear-resistant elastic material ("fairly firm rubber", col. 2, lines 80-81).

Regarding claim 3, Flinker also teaches an ink fountain apparatus for a rotary printing press, wherein said first member (11) is a plate member arranged in a direction perpendicular (e.g. Fig. 1) to the axial direction of said ink fountain roller and with one end face that press the outer surface of said ink fountain roller and said bottom plate, said third member (19) is a plate member arranged in a direction perpendicular to the axial direction of said ink fountain roller and with one end face that presses said second member by press operation of said press means, and said second member (17) is a thin plate member arranged between the other end face of said first member and one end face of said third member (Fig. 3).

Regarding claim 4, Flinker also teaches an ink fountain apparatus for a rotary printing press, wherein the thin plate member serving as said second member (17) is made of a thin steel plate with spring properties ("...resilient strip 17, preferably of steel which is resilient yet not excessively stiff...", col. 2, lines 100-101).

Regarding claim 5, Flinker also teaches an ink fountain apparatus for a rotary printing press, wherein said adjustment tool (24, 25) adjusts said first member substantially in a direction toward a position where the outer surface of said ink fountain roller and said bottom plate oppose each other (Fig. 5). The adjustment tool adjusts the position of the divider along the bottom plate

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(3), which fountain is positioned in the direction toward where the outer surface of the ink fountain roller and said bottom plate oppose each other.

3. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Troy, US 1,919,283.

Regarding claim 9, Troy teaches an ink fountain apparatus for a rotary printing press, comprising a rotatably supported ink fountain roller (16), said ink fountain apparatus comprised of a bottom plate (23) arranged at a position close to said ink fountain roller and a pair of ink dams (18) arranged substantially perpendicular to said bottom plate and opposing each other in a widthwise direction of said bottom plate, and an intermediate ink dam (15) arranged between said pair of ink dams, said apparatus comprising a press member (32, 28) which is supported movably, which moves in one direction to press said intermediate ink dam toward an outer surface of said ink fountain roller and toward said bottom plate (Fig. 6), and which moves in the other direction to disengage from said intermediate ink dam, thereby allowing removal of said intermediate ink dam.

Regarding claim 10, Troy also teaches a support formed integrally with said intermediate ink dam and having an engaging surface (33), a holder (31, 30) for supporting said support to be movable in a direction to become close to and away from said ink fountain roller, and an operating portion (head of the adjusting screw 32) formed integrally with said press member (32) and adapted to release a distal end of said press member from the engaging surface against a biasing force (the force generated by the screw threads).

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Regarding claim 11, Troy also teaches a support bar (20) for supporting said holder to be movable in an axial direction of said ink fountain roller, and a fixing mechanism (29) for fixing/releasing said holder to/from said support bar.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flinker in view of Miyoshi et al., US 5,894,798.

Flinker teaches all that is claimed in the above rejection of claim 1, except an ink fountain key with a distal end projecting toward said ink fountain roller closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member and in contact with an upper face of the projecting distal end of said fountain key.

Miyoshi teaches an ink fountain apparatus for a rotary printing press, further comprising an ink fountain key (5) supported by a lower surface of the bottom plate (7) and with a distal end projecting toward said ink fountain roller (2) closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member (14) and in contact with an upper face of the projecting distal end of said fountain key (Figs. 1 and 3). Miyoshi teaches that this

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configuration is advantageous for an ink fountain divider which can establish firm contact with an ink fountain arrangement (col. 6, lines 17-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Flinker to have an ink fountain key supported by a lower surface of the bottom plate and with a distal end projecting toward said ink fountain roller closer than a distal end of said bottom plate, and a projection projecting from a press surface of said first member and in contact with an upper face of the projecting distal end of said fountain key, because Miyoshi teaches that this arrangement is advantageous for an ink fountain divider which can establish firm contact with an ink fountain arrangement.

6. Claims 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flinker in view of Green, US 2,301,535.

Flinker teaches all that is claimed in the above rejection of claim 1, except:

- wherein said third member has an engaging surface formed of a slant surface, and said press means comprises an operation rod biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface (claim 7);
- wherein said adjustment tool comprises a first adjustment bolt moving substantially in a direction toward a position where the outer surface of ink fountain roller and said bottom plate are opposed to each other (claim 13);
- wherein said adjustment tool further comprises a second adjustment bolt moving in a direction toward the periphery of said ink fountain roller and a third adjustment bolt moving in a direction toward said bottom plate (claim 14).

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Green teaches:

- a fountain divider with three members, wherein said third member (22) has an engaging surface formed of a slant surface (Fig. 2), and said press means (38) comprises an operation rod biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface. Green teaches that such a press means is critical for controlling the sealing effect of the divider at the critical point where the ink runs out of the trough onto the roller (col. 2, lines 39-42) (claim 7 and 13);
- wherein said adjustment tool further comprises a second adjustment bolt (40) moving in a direction toward the periphery of said ink fountain roller and a third adjustment bolt (36) moving in a direction toward said bottom plate (claim 14).

Regarding claims 7 and 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Flinker wherein said third member has an engaging surface formed of a slant surface, and said press means comprises an operation rod biased in a direction to become close to said ink fountain roller and with a distal end engageable with the engaging surface, because Green teaches that such a configuration is advantageous for controlling the sealing effect of the divider at the critical point where the ink runs out of the trough onto the roller.

Regarding claim 14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Flinker wherein said adjustment tool further comprises a second adjustment bolt moving in a direction toward the periphery of said ink fountain roller and a third adjustment bolt moving in a direction toward said bottom plate,

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because Green teaches that such adjusting tools are advantageous for ensuring good sealing contact in the event of wear.

Response to Arguments

7. Applicant's arguments with respect to claims 1-7, 9-11, and 13-14 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 15 and 16 are allowed.

9. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fina, US 4,991,504, and Champion et al., US 3,319,563 each teach ink fountain dividers having obvious similarities to the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.

Leo T. Hinze

Leo T. Hinze
Patent Examiner
AU 2854
July 7, 2003

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